

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
February 8, 2011**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Cameron, Hutchison, Riccardo, Voigt

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Channel 79

GENERAL MEETING

Chairman Conze read the following agenda item:

Site Plan Application #273-A, Darien Board of Education, Darien High School, 80 High School Lane.

Request to install and extend fences adjacent to the varsity and junior varsity baseball fields.

Mr. Ginsberg explained that the High School is not a single family dwelling and thus requires Site Plan approval from the Planning & Zoning Commission. The proposed fences are different than the previously approved Site Plan, and therefore the Commission needs to consider this request for an Amendment. He said that the installation of fences is not a substantial improvement and therefore does not need a Mandatory Referral under CGS 8-24.

The Commission members reviewed the application materials and concluded it was a very minor modification. The following motion was made: That the Planning & Zoning Commission approve the request to amend the Site Plan regarding the installation and extension of fences around the Varsity and Junior Varsity baseball fields. The motion was made by Mr. Hutchison, seconded by Mrs. Cameron and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Special Permit #132, Donna Dean, Middlesex Commons, Hale Lane.

Request for a modification of units 46 and 48.

Mr. Ginsberg explained that this request is to temporarily combine Units 46 and 48 within the Middlesex Commons condominiums. Both units are owned by the same person and she wants to create an internal doorway so that she and her guests can use the living space of both units. He said that the Homeowners' Association has approved this modification and the Planning & Zoning Commission has granted similar requests in the past. After discussion, the following motion was made: That the Commission authorize the temporary combining of Units 46 and 48 within the Middlesex Commons Condominium. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

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Amendment of Special Permit #39-L/Site Plan, St. Luke's Episcopal Church, 1842-1864 Boston Post Road, R-1 and R-1/2 Zones.

Request to modify previously approved plans for construction of a new Thomas House with associated church spire, to be used for youth room/community center (same uses as previously approved).

Mr. Ginsberg explained that in April of 2008, the Church had obtained approval to construct a new two-story building that would contain a total of approximately 5,300 square feet of floor area. It would be known as Thomas House, and would be constructed south of the main Church building. The Church building Committee has evaluated the proposal and has concluded that they would rather build a one-story building of approximately 4,000 sq. ft. Within this building, they would conduct youth services, worship services, and have other Church related activities. Mr. Ginsberg said that the Church has discussed this matter with the neighboring property owners and none of them have raised any objections. He also noted that the storm water rain garden area will be installed to accommodate the additional runoff from the impervious roof area.

Mrs. Cameron asked about the plantings to be installed to soften the view of the building from the neighbors. Attorney Wilder Gleason represented the Church and said that the Church has been working with the neighbors who have all agreed with the project. The Church will address any landscaping concerns that the neighbors have once the building has been constructed and the specified landscaping has been installed.

Mrs. Cameron said that she likes the design of the new building and prefers the one-story design rather than the two-story structure that had previously been approved. The following motion was made: That the Planning & Zoning Commission approve the amendments regarding the additional building to be constructed at St. Luke's Church. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Land Filling & Regrading Application #207-B, William & Rose-Marie Shanahan, 58 Sunswyck Road, R-1 Zone.

Request to place fill and construct an associated retaining wall to establish an elevated planting bed.

Mr. Ginsberg explained that the project has previously been approved by the Planning & Zoning Commission and the applicant is now requesting a modification in order to install large evergreen trees near the property line. The area in question has rock outcrops and ledge which must be blasted out in order to create a suitable soil planting area for the trees or, as the applicant is currently requesting, they wish to create a raised planting bed on top of the existing ledge. This planting bed is designed to accommodate the new 12 foot tall evergreens to be planted. Mr. Ginsberg noted that the applicant's engineer has certified that there will be no drainage problems created by the slight regrading.

Attorney Wilder Gleason represented the applicant and also noted that the retaining wall will be engineered so that it will be structurally strong enough to withstand the weight of the soil and plants. He also noted that soil erosion controls have been installed and will be properly maintained.

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He said that they have discussed the project with the neighbors and that the neighbors are pleased and satisfied with the request. After further discussion, the following motion was made: That the Planning & Zoning Commission approve the modification to allow the raised planting bed as requested. The motion was made by Mr. Hutchison, seconded by Mt. Voigt and unanimously approved.

Chairman Conze read the following agenda item:

Amendment of Special Permit #125-B(3), Darien Arts Center, 2 Renshaw Road.

Requested amendments to December 15, 2010 Special Permit approval.

Jeremy Ginsberg read the February 3, 2011 letter from Amy Allen of the Arts Center. They request three modifications of the Planning & Zoning Commission's recent approval. These modifications include having the Junior Dance Class of 23 students, modification of the 15 minute separation time, and modification of the start and end time for the programs.

Mr. Voigt asked how the 23 students in the Junior Dance class would be leaving the site. Mrs. Allen indicated that they are picked up by parents and many times the parents carpool to pick up more than one student. Mr. Ginsberg said that some schedule changes have already been implemented by the Arts Council and others have not yet been implemented because of previous commitments.

Mrs. Allen said that the 23 students in the Junior Dance class need to practice together in order to properly prepare for previously scheduled spring performances. It was noted that the modifications in question are on a temporary basis and that the original restrictions had been imposed to avoid parking and other potential schedule conflict problems.

The following motion was made: That the Commission approve on a temporary basis for the first half of 2011, the requested modifications regarding the number of students and scheduling of classes the Darien Arts Council. The motion was made by Mrs. Cameron, seconded by Mrs. Riccardo and unanimously approved.

Chairman Conze read the following agenda item:

Business Site Plan #84-A/Special Permit, Bill's Auto Body, 173 Noroton Avenue.

Business Site Plan #158-C/Special Permit, Grant's Auto Body, 469 Boston Post Road.

Request to modify previous approvals to allow towing operations with towing equipment to be stored on-site.

Mr. Ginsberg said that he just wanted to inform the Commission that the Department of Transportation and/or the State Police have apparently modified how they are enforcing the laws regarding this matter. Everyone is still working with the DOT and State Police to try to resolve the issue. No action is needed by the Planning and Zoning Commission at this time.

Chairman Conze read the following agenda item:

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Discussion and deliberation and possible decisions on the following public hearing items closed on January 25:

Land Filling & Regrading Application #252, Stephane & Maria Ines Bello, 21 Fox Hill Lane.
Proposing to fill and regrade on the north part of the property and construct an associated retaining wall, and perform related site development activities.

The draft resolution was discussed. Several modifications and clarifications regarding the drainage were discussed and agreed upon.

The following motion was made: That the Commission adopt the following revised resolution to approve the project subject to the stipulations and conditions as noted. The motion was made by Mrs. Cameron and seconded by Mr. Hutchison. All members voted for the motion except Mr. Conze who abstained because he had not attended the Public Hearing regarding this matter.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2011**

Application Number: Land Filling & Regrading Application #252

Street Address: 21 Fox Hill Lane
Assessor's Map #6 Lot #114

Name and Address of
Property Owner: Stephane & Maria Ines Bello
21 Fox Hill Lane
Darien, CT 06820

Name and Address of Applicant &
Applicant Representative: Lance Zimmerman, AIA
Zimmerman Architecture
14 Cliffview Dr.
Norwalk, CT 06850

Activity Being Applied For: Proposing to fill and regrade on the north part of the property and construct an associated retaining wall, and perform related site development activities.

Property Location: The subject property is located on the north side of Fox Hill Lane, approximately 2,000 feet west of its intersection with Mansfield Avenue.

Zone: R-1

Date of Public Hearing: January 25, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: January 14 & 21, 2011

Newspaper: Darien News

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Date of Action: February 8, 2011

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
February 18, 2011

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to fill and regrade on the north part of the property and construct an associated retaining wall, and perform related site development activities. The proposed retaining wall would be 4 ½ feet tall at its highest point, and plantings will be installed below the wall. Approximately 160 cubic yards of fill will be placed on site. No trees are scheduled to be removed as part of this land filling and regrading project.
2. During the public hearing, it was noted that as part of a prior construction project, an underground detention system was placed on-site in the back yard. The drawing prepared for Stephen and Maria Ines Bello, Site Development Plan by McChord Engineering Associates, Inc., scale 1"=20', dated April 5, 2004, Drawing No. SE1. shows the design location of the underground detention system, but as noted, the actual location of the detention system is farther to the east. Because the drainage system was installed farther to the east than the original design location illustrated on the McChord Engineering plan, it will not be impacted by the placement of fill as proposed by this application. It was acknowledged that as part of this project, additional cultec units can be placed to the west of the proposed retaining wall (within the area to be filled and regarded) to accommodate stormwater runoff.
3. The Commission notes with respect to the existing underground detention system as well as for the cultec unit(s) required by the Commission herein, there is a need for the property owner to file a Notice of Drainage Maintenance Plan outlining the protocol for maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.

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4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #252 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Site Plan Bello Residence by Zimmerman Architecture, dated 12-8-10, scale as noted, Drawing No. SP1. (this plan shows the proposed retaining wall and the location of the proposed filling and regrading).This plan must be revised to illustrate the approximate actual location of the existing drainage system to the east of the proposed retaining wall and to include additional culvert units to be installed in the proposed fill to the west of the proposed retaining wall. Prior to the start of the proposed work, the property owner shall maintain/clean the existing drainage system, and provide certification that it was done.
- B. Because of the limited scope of the work outlined within the application, the Commission hereby waives the requirement for a Performance Bond.
- C. Because of the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for a detailed stormwater management per Section 888a (3) of the Darien Zoning Regulations. The Commission finds that under Section 888a(4) of the Darien Zoning Regulations, that there was a prior application for the subject property, and drainage structures were installed at that time and are still in place. Thus, the Commission is requiring underground culvert unit(s) be installed under the area to be filled and regraded.
- D. By April 8, 2011 (within the next 60 days) and prior to the start of any filling or regrading work, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. This plan shall include both the existing and proposed drainage system. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 21 Fox Hill Lane to maintain the on-site drainage facilities, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval.
- E. A final, written certification is hereby required to be submitted by February 1, 2012, certifying that all of the regrading, on site stormwater infiltrators and other site improvements have been installed in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the proposed grading has been properly completed.

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- F. During the site work, the property owner shall utilize the sediment and erosion controls illustrated on the submitted plan referred to in Condition A above, and any additional measures as may be necessary due to site conditions, including tree protection as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the property owner of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- I. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (February 8, 2012). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan both shall be filed in the Darien Land Records within 60 days of this action and prior to any filling or regrading work, or this approval shall become null and void.

Chairman Conze read the following agenda item:

Land Filling & Regrading Application #253, Urs & Amy Baertschi, 26 Stephanie Lane.
Proposing to fill and regrade in the back yard of the property, and perform related site activities.

The Commission members discussed the draft resolution and made several minor modifications and corrections.

The following motion was made: That the Commission adopt the following revised resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mrs. Cameron and seconded by Mrs. Riccardo. All members voted in favor except Mr. Conze who abstained because he had not attended the Public Hearing regarding this matter.

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**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2011**

Application Number: Land Filling & Regrading Application #253

Street Address: 26 Stephanie Lane
Assessor's Map #8 Lot #58

Name and Address of
Property Owner: Urs & Amy Baertschi
26 Stephanie Lane
Darien, CT 06820

Name and Address of Applicant &
Applicant's Representative: Greg Twardy
Twardy Landscaping
15 Corbin Drive
Darien, CT 06820

Activity Being Applied For: Proposing to fill and regrade in the back yard of the property, and perform related site activities.

Property Location: The subject property is located on the south side of Stephanie Lane, approximately 1,400 feet west of its intersection with Hollow Tree Ridge Road.

Zone: R-1

Date of Public Hearing: January 25, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: January 14 & 21, 2011 Newspaper: Darien News

Date of Action: February 8, 2011 Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action: Newspaper: Darien News
February 18, 2011

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.

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- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to fill and regrade in the back yard with associated stormwater management system and perform related site activities. The overall purpose of the application is to smooth out the back yard. No change of topography is proposed for in front of the existing residence. The project will involve less than 250 cubic yards of fill.
2. At the public hearing, the applicant's engineer, Samuel S. Northrup, PE, explained the proposed stormwater management. In his January 3, 2011 letter, Mr. Northrup explains that the natural depression in the back yard will be replaced by a buried gallery.
3. The Commission notes with respect to the underground galleries required by the Commission herein, there is a need for the property owner to file a Notice of Drainage Maintenance Plan outlining the protocol for maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #253 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work and installation of the proposed stormwater management shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Zoning Location Survey 26 Stephanie Lane prepared for Urs Baertschi and Amy S. Baertschi, by William W. Seymour & Associates, scale 1"=20', dated August 5, 2010—Modifications entitled, "Drainage and Grading Plan for 26 Stephanie Lane" by R.W.Northrup & Sons, REVISED 1/18/2011.
 - Landscape Plan prepared by Baertschi, by Twardy Landscapes LLC, scale 3/32"-1', dated 18 Nov.10.
- B. Because of the limited scope of the work outlined within the application, the Commission hereby waives the requirement for a Performance Bond.
- C. Because of the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for more detailed stormwater management per

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Section 888a(3) of the Darien Zoning Regulations. The proposed underground galleries shall be installed per the submitted plans.

- D. By April 8, 2011 (within the next 60 days) and prior to the start of any filling or regrading work, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 26 Stephanie Lane to maintain the on-site drainage facilities, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval.
- E. A final, written certification is hereby required to be submitted by February 1, 2012, certifying that all of the regrading, on site stormwater infiltrators and other site improvements have been installed in compliance with the approved plans. In addition, a Professional Engineer shall certify in writing that the proposed grading has been properly completed.
- F. During the site work, the property owner shall utilize the sediment and erosion controls illustrated on the submitted plan referred to in Condition A above, and any additional measures as may be necessary due to site conditions, including tree protection as may be necessary. **This shall include installing a row of staked hay bales adjacent to the construction entrance/proposed anti-tracking pad to prevent any activity or disturbance closer to the wetlands area.** Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the property owner of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- I. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (February 8, 2012). This may be extended as per Sections 858 and 1009.

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All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan both shall be filed in the Darien Land Records within 60 days of this action and prior to any filling or regrading work, or this approval shall become null and void.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #243-A, Flood Damage Prevention Application #275-A, Hay Island Trust, 157-161 Long Neck Point Road. Proposing to construct a new timber pier, gangway and floating timber dock, as well as an access walkway, including a stepping stone pathway and an elevated pedestrian bridge/boardwalk, and perform related site development activities within regulated areas.

The draft resolution was discussed. The following motion was made: That the Commission adopt the following resolution to approve the project with the conditions and stipulations as noted. The motion was made by Mrs. Cameron and seconded by Mr. Hutchison. All members voted in favor except Mr. Conze who abstained because he had not attended the Public Hearing regarding this matter.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2011**

Application Number: Coastal Site Plan Review #243-A
Flood Damage Prevention Application #275-A

Street Address: 157-161 Long Neck Point Road
Assessor's Map #59 Lot #12 & #12-A

Name and Address of
Applicant's Representative: Devin Santa
Roberge Associates Coastal Engineers, LLC
2499 Main Street
Stratford, CT 06615

Name and Address of Applicant &:
Property Owner: Hay Island Trust
157-161 Long Neck Point Road
Darien, CT 06820

Activity Being Applied For: Proposing to construct a new timber pier, gangway and floating timber dock, as well as an access walkway, including a stepping stone pathway and an elevated pedestrian bridge/boardwalk, and perform related site development activities within regulated areas.

Property Location: The driveway for the subject property is located on the east side of Long Neck Point Road approximately 200 feet south of the southernmost intersection of Long Neck Point Road and Pear Tree Point Road.

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Zone: R-1

Date of Public Hearing: January 25, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 14 & 21, 2011

Newspapers: Darien News

Date of Action: February 8, 2011

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 18, 2011

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The owner proposes to install a new 4' x 28' timber pier, 3' x 40' gangway, and an 8' x 25' floating timber dock within Ziegler's Cove. An access walkway, including stepping stone pathway and an elevated pedestrian bridge connecting the pier and dock with the existing roadway are also proposed. As noted within the application materials, this would be a shared dock for the two Hay Island parcels.
2. As noted at the public hearing, the applicant received approval from the State of Connecticut Department of Environmental Protection (DEP) in Permit #201002468-KF for this work. The applicant has also received the required approval from the Army Corps of Engineers as outlined within a June 14, 2010 letter (Permit No. NAE-2010-891).
3. The potential adverse impacts of the proposed activity upon coastal resources, as designed are minimal and are therefore acceptable.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the

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activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would minimize any adverse impacts by the proposed activity on coastal resources.
7. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #243-A and Flood Damage Prevention Application #275-A are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans entitled:
 - Hay Island Trust, Permit application for residential pier ramp and floating dock, by Roberge Associates Coastal Engineers, LLC, dated 12-14-10 and 12/16/10, Sheets 1-9.
- B. The proposed activity is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
- C. Due to the location of the subject property and the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for stormwater management per Sections 888a(1) and 888a(3) of the Darien Zoning Regulations.
- D. During construction, the applicant shall utilize any sediment and erosion control measures as described on page 3 of 5 within the Addendum to Darien Coastal Site Plan Review Application Form by Roberge Associates, and as may be necessary due to site conditions. **This shall also include silt fence and hay bales around any stockpile areas.** These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after any sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Prior to February 8, 2012, as-built maps, surveys and/or other documentation shall be submitted to the Commission to verify that the dock has been installed and completed in accordance with

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the approved plans. No deviation or alterations from the approved plans shall be permitted except with the prior written permission of the Commission.

- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (February 8, 2012). This may be extended as per Sections 815 and 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #260, Flood Damage Prevention Application #297, Rosemary C. Roberto, 224 Long Neck Point Road. Proposing to install a dock and to replace existing concrete steps with new steps and perform related site development activities within regulated areas.

Commission members discussed the draft resolution.

The following motion was made: That the Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mrs. Cameron and seconded by Mrs. Riccardo. All members voted in favor, except Mr. Conze who abstained because he had not been able to attend the Public Hearing regarding this matter.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 8, 2011**

Application Number: Coastal Site Plan Review #260
Flood Damage Prevention Application #297

Street Address: 224 Long Neck Point Road
Assessor's Map #61 Lot #15

Name and Address of Applicant &:
Applicant's Representative: Wilder G. Gleason, Esq.
Gleason & Associates, LLC
455 Boston Post Road
Darien, CT 06820

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Name and Address of: Rosemary C. Roberto
Property Owner: 224 Long Neck Point Road
Darien, CT 06820

Activity Being Applied For: Proposing to install a dock and to replace existing concrete steps with new steps and perform related site development activities within regulated areas.

Property Location: The subject property is located on the west side of Long Neck Point Road, approximately 1850 feet south of its southernmost intersection with Pear Tree Point Road.

Zone: R-1

Date of Public Hearing: January 25, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 14 & 21, 2011

Newspapers: Darien News

Date of Action: February 8, 2011

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 18, 2011

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The owner proposes to install a 4' x 71' long pile supported pier, a 3' x 41' aluminum gangway, and an 8' x 20' floating dock held in place with four piles. As part of this application the owner will be removing an existing stairway which is now in disrepair, and constructing a new set of 4' x 12' timber stairs.

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2. As noted at the public hearing, the owner received approval from the State of Connecticut Department of Environmental Protection (DEP) in Permit #201003165-KF for this work. The applicant has also received the required approval from the Army Corps of Engineers as outlined within a June 14, 2010 letter. The Commission noted that the DEP approval had specific conditions regarding construction methodology, which the applicant will need to comply with.
3. The potential adverse impacts of the proposed activity upon coastal resources, as designed are minimal and are therefore acceptable.
4. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
5. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
6. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would minimize any adverse impacts by the proposed activity on coastal resources.
7. The proposed activities, to be implemented with the conditions and modifications listed below, will have no adverse impact on flooding, and therefore, this proposal is consistent with the need to minimize flood damage.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #260 and Flood Damage Prevention Application #297 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Work shall be in accordance with the plans entitled:
 - Roberto Dock, 224 Long Neck Point Road, by Roberge Associates Coastal Engineers, LLC, dated 1-21-11, Sheets D-01 through D-05.
- B. The proposed activity is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
- C. Due to the location of the subject property and the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for stormwater management per Sections 888a(1) and 888a(3) of the Darien Zoning Regulations.
- D. During construction, the applicant shall utilize any sediment and erosion control measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior

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to commencement of work and after any sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- E. Prior to February 8, 2012, as-built maps, surveys and/or other documentation shall be submitted to the Commission to verify that the dock and new stairs have been installed and completed in accordance with the approved plans. No deviation or alterations from the approved plans shall be permitted except with the prior written permission of the Commission.
- F. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- G. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- H. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (February 8, 2012). This may be extended as per Sections 815 and 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #28-C, Land Filling & Regrading Application #251, Ray & Nadya Bakhramov, 19 Weeds Landing. Proposing to fill and regrade in the southwest corner of the property, raise existing related retaining wall, repair existing steps, and perform related site development activities within a regulated area.

Commission members discussed the draft resolution.

The following motion was made: That the Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mrs. Cameron and seconded by Mr. Hutchison. All members voted in favor except Mr. Conze who abstained because he did not attend the Public Hearing regarding this matter.

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Application Number: Coastal Site Plan Review #28-C

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Land Filling & Regrading Application #251

Street Address: 19 Weed's Landing
Assessor's Map #53 Lot #61-D

Name and Address of Applicant & Jonathan Sweeney
Applicant's Representative: DLTC, Inc.
214 Central Avenue
Bridgeport, CT 06607

Name and Address of Ray & Nadya Bakhramov
Property Owner: 19 Weeds Landing
Darien, CT 06820

Activity Being Applied For: Proposing to fill and regrade in the southwest corner of the property, raise existing related retaining wall, repair existing steps, and perform related site development activities within a regulated area.

Property Location: The subject property is located at the terminus of the Weeds Landing cul-de-sac, approximately 600 feet from the intersection of Boston Post Road and Weeds Landing.

Zone: R-1/2

Date of Public Hearing: January 25, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: January 14 & 21, 2011

Newspapers: Darien News

Date of Action: February 8, 2011

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 18, 2011

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 810, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

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Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The request is to fill and regrade in the southwest corner of the property, raise existing related retaining wall, repair existing steps, and perform related site development activities within a regulated area. The placement of the fill will reduce the existing slope of the back yard.
2. The Environmental Protection Commission (EPC) approved this project as part of EPC #48-2010 on December 1, 2010. That approval is hereby incorporated by reference.
3. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
4. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
5. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.
6. The applicant must make sure that at all times during the redevelopment of the site, the storm water runoff is properly managed to avoid impacts to the neighbors and the nearby natural resources.
7. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
8. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #28-C and Land Filling and Regrading Application #251 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling, regrading, construction of associated retaining wall, and new steps shall be in accordance with the sketch submitted to and reviewed by the Commission entitled:
 - 11" x 17" sketch received December 17, 2010, scale 1"=20' by JHS dated 11-13-10.
- B. Due to the location of the subject property and the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for stormwater management per Sections 888a(1) and 888a(3) of the Darien Zoning Regulations.

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- C. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted sketch and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Because of the minor nature of the land filling and regrading portion of this project, a performance bond for the filling and regrading is hereby waived.
- E. Within 30 days of completion of the project, the applicant shall submit written verification to the Planning and Zoning Department that all of the regrading, the enlarged walls and repair of the existing steps have been completed in compliance with this approval.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Sections 815, 858 and 1009 of the Darien Zoning Regulations, including but not limited to implementation and completion of the approved plans for site work, and regrading within one year of this action (by February 8, 2012). This may be extended as per Sections 815, 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action and prior to the start of any filling or regrading work, or this approval shall become null and void.

Approval of Minutes

November 23, 2010 Public Hearing

Mrs. Riccardo had some suggested changes and corrections. All members agreed with those suggestions. The following motion was made: That the Commission adopt the minutes as revised. The motion was made by Mrs. Cameron, seconded by Mrs. Riccardo and unanimously approved.

November 30, 2010 Special Meeting--Public Hearing

Mrs. Riccardo had some suggested changes and corrections. All members approved of the suggestions. The following motion was made: That the Commission approve the revised minutes. The motion was made by Mr. Voigt, seconded by Mrs. Cameron and unanimously approved.

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December 7, 2010 Special Meeting--Public Hearing

Mrs. Cameron had a number of suggestions that were discussed by the Commission. All Commission members agreed with the suggested modifications. The following motion was made: That the Commission adopt the revised minutes. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

January 4, 2011 Public Hearing

Mr. Voigt noted that he had not attended the Public Hearing, but did watch the video of the meeting. Several modifications and corrections were discussed and agreed upon. The following motion was made: That the Commission adopt the minutes as modified. The motion was made by Mr. Voigt and seconded by Mr. Hutchison. All members voted for the motion to adopt the minutes except Mrs. Cameron who abstained because she had not attended the meeting.

January 18, 2011 Public Hearing

Mrs. Riccardo suggested several modifications and corrections. All members agreed with the suggestions. The following motion was made: That the Commission adopt the revised minutes. The motion was made by Mrs. Cameron and seconded by Mr. Hutchison. All voted in favor except Mr. Voigt who abstained because he had not attended the meeting.

January 20, 2011 Special Meeting

The following motion was made: That the Commission adopt the minutes as drafted. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved.

January 25, 2011 Public Hearing/General Meeting

It was agreed that these minutes will be deferred until a subsequent meeting.

Chairman Conze read the following agenda item:

Discussion and deliberation ONLY regarding the following two applications:

Affordable Housing Application Under CGS 8-30g (#1-2010), Site Plan Application #277, Land Filling & Regrading Application #247, Christopher & Margaret Stefanoni, 57 Hoyt Street. Proposing to construct 16 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. *PUBLIC HEARING WAS CLOSED ON 1/18/2010. DEADLINE FOR P&Z DECISION: 3/24/2011.*

Mrs. Riccardo said that she has grouped her concerns by type of issue. For example, Traffic Safety, Fire Safety and other issues.

Mr. Hutchison said that his concerns are the responsibility of the Commission and the actions that must be taken. He said that the Commission is generally a fact finder in this instance and must determine whether the facts warrant the approval or modification or denial of the application.

Mr. Conze said that it is likely that there will be a need for special provisions to be made for snow removal because it is important to make sure that the site remains safe. He also noted input from

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Attorney Robert Fuller regarding the deed restriction. Mr. Conze said that there is a direct relationship between the number of units and the number of required parking spaces.

Mrs. Riccardo said that fire safety is critical in evacuating seniors. She questioned whether the volunteer fire fighters are trained sufficiently to work on a site that is so highly developed and with such limited access.

Mr. Conze noted that discussions regarding a different application on Oak Crest indicated that two or three fire volunteer fire companies would be responding to a fire call in a multi-family dwelling. This generates a large number of vehicles. This project was proposed on Hoyt Street, which is a State highway and carries a heavy amount of traffic.

Mrs. Cameron said that creating a detour around a site like this would be very difficult due to the long stretch between connecting streets.

Mr. Conze said that creating a dense development in this location creates a risk due to the closeness to the neighborhood school. The local streets are packed with traffic, and there is a high traffic count through the neighborhood of vehicles in both directions. The inclusion of a 16 unit development increases the risks that traffic will be affected or that heavy traffic will affect the use of the site.

Mrs. Cameron said that in the summer, there is lots of pedestrian traffic in the area, and many kids go to and from the Middlesex Club on bicycles.

Mr. Hutchison said that the DOT does not seem to look at traffic volume as a problem. Rather, they look to make the traffic work.

Mrs. Cameron noted that there is little or no tolerance in the drainage system design. Any small factor could make the system go wrong. She also noted that the drainage engineers concentrate on the volume of water leaving the site at any given time rather than on the total volume of water leaving the site. She said it is important to look at the total volume, not just at the rate of flow leaving the site. She said that maintenance of the drainage system is a huge concern.

There will be more discussion of this application at a future meeting.

Mr. Conze read the following agenda item:

Affordable Housing Application Under CGS 8-30g (#2-2010), Coastal Site Plan Review #259, Site Plan Application #278, Land Filling & Regrading Application #249, Christopher & Margaret Stefanoni, Tokeneke Road. Proposing to construct 30 units of age-restricted housing (30% of which are proposed to be affordable housing under Section 8-30g of the Connecticut General Statutes) in a new building with associated parking and regrading, and to perform related site development activities. *PUBLIC HEARING WAS CLOSED ON 1/4/2010. DEADLINE FOR COMMISSION DECISION: 3/10/2011.*

Mrs. Riccardo said that traffic safety is a key concern. The new traffic light at Cliff Avenue is an improvement in some ways, but it is amazing how many curb cuts there are in close proximity to

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that traffic light. Adding another driveway so close to the traffic light is a problem. She said that it is not possible to add another traffic light so close to the existing traffic light.

Mr. Conze said that if a car is in Pheasant Run waiting to get into Tokeneke Road, that car in Pheasant Run would block the view of any driver trying to leave this site. He said that the sight line from Pheasant Run is even worse than the sight line of the proposed new driveway. Pheasant Run would probably not be approved under today's regulations.

Mr. Hutchison reviewed the letter submitted by a neighbor that had been produced by the Department of Transportation and that indicated that a new driveway should be at the traffic light, otherwise it would not be acceptable. Then, five months later, the Department of Transportation somehow approved the proposed driveway location that does not line up with the existing traffic light. He questioned what happened and how this action was taken.

Mrs. Riccardo said that fire evacuation for senior citizens would be a problem at this site. She had a number of other concerns that are problems with the proposed development.

Commission asked the staff to start drafting findings regarding the two affordable housing applications. Mrs. Cameron questioned whether the Commission should start to redesign the projects to address the concerns. Mr. Ginsberg said that the Commission has to decide whether the application is acceptable as it is, or whether it can be modified to address the concerns.

It was agreed that no action would be taken at this time, and that more discussions would be conducted at a future meeting.

There was no Other Business. The following motion was made: That the Commission close the meeting. The motion was made by Mrs. Cameron, seconded by Mr. Hutchison and unanimously approved. The meeting was adjourned at 9:17 p.m.

Respectfully submitted,

David J. Keating
Assistant Director of Planning